

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

DANIEL LEE REED, #2040919,	§	
	§	
Petitioner,	§	
	§	
v.	§	Case No. 6:19-cv-432-JDK-JDL
	§	
DIRECTOR, TDCJ-CID,	§	
	§	
Respondent.	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Petitioner Daniel Lee Reed, a Texas Department of Criminal Justice inmate proceeding pro se, filed this federal petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

On March 5, 2021, Judge Love issued a Report and Recommendation recommending that the Court deny the petition and dismiss the case with prejudice as time barred. Judge Love also recommended that a certificate of appealability be denied. Docket No. 20. Petitioner objected. Docket No. 22.


Where a party objects within fourteen days of service of the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the

time to file objections from ten to fourteen days).

Petitioner's objections merely repeat his original contention that he should be afforded equitable tolling because his habeas attorney intentionally deceived him about his federal filing deadlines. Docket No. 22. Petitioner offers no evidence of this alleged deception, only conclusory statements. *Id.*

Having conducted a de novo review of the Report and the record in this case, the Court has determined that the Report of the United States Magistrate Judge is correct, and Petitioner's objections are without merit. The Court therefore **OVERRULES** Petitioner's objections (Docket No. 22) and **ADOPTS** the Report and Recommendation of the Magistrate Judge (Docket No. 20) as the opinion of the District Court. Petitioner's petition for habeas corpus is hereby **DISMISSED WITH PREJUDICE** as time barred. Further, the Court **DENIES** a certificate of appealability.

So **ORDERED** and **SIGNED** this **24th** day of **March, 2021**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE